

SAMUEL SALDAÑA, V-30056,)	
)	
Petitioner,)	No. C 11-4716 CRB (PR)
)	
vs.)	ORDER DENYING
)	CERTIFICATE OF
G. D. LEWIS, Warden,)	APPEALABILITY
)	
Respondent.)	(Docket # 15)

Petitioner has filed a notice of appeal and request for appointment of counsel on appeal, which the court also construes as a request for a certificate of appealability under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). A certificate of appealability is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). And for essentially the same reasons, petitioner's request for appointment of counsel on appeal is denied.

The clerk shall forward to the court of appeals the case file with this order.

See *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

SO ORDERED.

DATED: Sept. 13, 2012

CHARLES R. BREYER
United States District Judge